

Atty. Dkt. No. 034827-1401

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow. The specification has been amended to conform trademark identification to Patent Office policy and to add SEQ ID NOs to what is identified in the specification as Figures 1 and 2 found on pages 33 and 34, respectively. Accordingly, the amendments to the specification and claims raise no issue of new matter.

Claims 1-16 and 18 have been cancelled without prejudice or disclaimer. Applicant retains the right to pursue cancelled subject matter in subsequent divisional or continuation applications claiming priority to the instant application. The only claims presently pending have been deemed allowable by the examiner. Accordingly, Applicant respectfully submits that the case in condition for immediate allowance.

SPECIFICATION

Applicant has amended reference to BioTek in the specification to BIOMEK[®] 2000 as requested by the Examiner. Accordingly, this issue has been fully addressed.

REJECTION UNDER 35 USC § 112, SECOND PARAGRAPH

The rejection of claims 1-16 and 18 under 35 USC § 112, second paragraph for allegedly being indefinite for recitation of "TIGR" is respectfully traversed. Although Applicant does not agree with the basis for this rejection, the claims have been cancelled without prejudice in order to advance prosecution of the case. Accordingly, the rejection has been rendered moot.

REJECTION UNDER 35 USC § 102

The rejection of claims 1-3, 5-11, 13-16 and 18 under 35 USC § 102(b) as being allegedly anticipated by Stone et al. (U.S. 5,925,748) is respectfully traversed. Although Applicant does not agree with the basis for this rejection, the claims have been cancelled without prejudice in order to advance prosecution of the case. Accordingly, the rejection has been rendered moot.

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REJECTION UNDER 35 USC § 102

The rejection of claims 1-3, 5-11, 13-16 and 18 under 35 USC § 102(e) as being allegedly anticipated by Nguyen et al. (U.S. 6,475,724) is respectfully traversed. Although Applicant does not agree with the basis for this rejection, the claims have been cancelled without prejudice in order to advance prosecution of the case. Accordingly, the rejection has been rendered moot.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 50-0872.

Respectfully submitted,

Date

August 21, 2003

By

Barry S. Wilson

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UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
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Washington, D.C. 20231

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/017,870	12/12/2001	Dong Hui Huang	034827-1401

DATE MAILED:

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS
CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821-1.825 for the following reason(s):

- ☒ 1. This application fails to comply with the requirements of 37 CFR 1.821-1.825.
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 CFR 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. The content of the computer readable form, however, does not comply with the requirements of 37 CFR 1.822 and/or 1.832, as indicated on the attached marked-up copy of the "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A substitute computer readable form must be submitted as required by 37 CFR 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 CFR 1.821(e).
- ☒ 7. OTHER: Figures 1-2 contain nucleotide sequences which lack "SEQ ID NO" identifiers

APPLICANT MUST PROVIDE:

- ☐ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing."
- ☐ An initial or substitute paper copy of the "Sequence Listing," as well as an amendment directing its entry into the specification.
- ☐ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b) or 1.825(d).

FOR QUESTIONS REGARDING COMPLIANCE WITH THESE REQUIREMENTS, PLEASE CONTACT:

- ☒ For Rules Interpretation, call (703) 308-1123.
- ☒ For CRF submission help, call (703) 308-4212.
- ☒ For PatentIn software help, call (703) 308-6856.

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Due 8-21-03

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Initial Patent Examination Division (703) 308-1202

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PART 1 - ATTORNEY/APPLICANT COPY